

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 643 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and
MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?
(No. 1 to 5 NO)

SECRETAY VIKASH VIDYALAYA WADHWAN CITY

Versus

STATE OF GUJARAT

Appearance:

BY POST for Petitioner

MR. S.R. DIVETIA, LD.PUBLIC PROSECUTOR for Respondent

No. 1

SERVED for Respondent No. 4

CORAM : MR.JUSTICE S.D.DAVE and
MR.JUSTICE Y.B.BHATT

Date of decision: 17/06/97

ORAL JUDGEMENT

Per: S.D.Dave,J

The present proceedings arise because of the two letters sent by Secretary, Vikas Vidyalaya, Wadhwan City, addressed to the Hon'ble The Chief Justice of this Court.

The first letter happens to be dated April 01, 1997. The request made in the said communication is that, two girls, namely Manjula and Kanta who were entrusted to the custody of Vikas Vidyalaya would be required to send in company of their brother Chiman Bharati, if this Court so desires. The above said communication dated April 01, 1997 also bears the signature signed by both the girls Manjula and Kanta. Similar request has been made by the subsequent communication dated April 25, 1997. Both the girls once again have stated in a fresh letter bearing even date that, they would like to stay in the company of brother Chiman Bharati.

Today we have heard Manjula and Kanta and they have expressed their unequivocal desire to stay in the house of brother Chiman Bharati. We have heard the brother also. He says that, he is the employee with the Railway and has got his own family comprising his wife and children and that, he would be able to take necessary care of both the girls. Needless it is to emphasize that both the girls are major and they, as indicated by us earlier, have expressed their desire to stay in the company of brother Chiman Bharati. In these circumstances we are inclined to accept the request coming from Vikas Vidyalaya under the above said two communications.

Therefore, we say that, the custody of both the girls, namely Manjula and Kanta be handedover to their brother Chiman Bharati, who is present before us. The girls are permitted to go in the company of brother Chiman Bharati. Petition stands disposed off. Notice discharged.

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